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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,578	01/11/2001	Ryuichi Okamoto	2001_0022A	8370
513	7590	06/28/2004	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			TRAN, ELLEN C	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,578

Applicant(s)

OKAMOTO ET AL.

Examiner

Ellen C Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


NORMAN M. WRIGHT
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communication: original application filed 11 January 2001, with acknowledgement of preliminary amendment received 23 April 2001.
2. Claims 1-9 are currently pending in this application. Claims 1, 2, and 3 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

4. **Claims 1-9** are rejected under 35 U.S.C. 102(e) as being anticipated by Dorak, Jr. U.S. Patent No. 6,389,403 (hereinafter '403).

As to independent claim 3, "A digital data distribution system, comprising a distribution server that distributes digital data; a receiving device that receives the digital data sent from said distribution server; a storage media in which the digital data that said receiving device has received is written; and" is taught in '403 col. 8, line 65 through col. 9, line 9;

"an adapter that writes in said storage media the digital data that said receiving device has received, wherein" is shown in '403 col. 9, lines 5-9;

“said receiving device includes communication means for accessing said distribution server, browsing means for browsing and responding to information sent from said distribution server, and adapter connection control means for controlling connection with said adapter” is disclosed in ‘403 col. 13, line 63 through col. 14, line 13;

“said storage media includes a media ID, which is information specific to said storage media and cannot be tampered with, said media ID being able to uniquely identify said storage media” is shown in ‘403 col. 10, lines 9-12;

“said adapter includes secure communication means” is disclosed in ‘403 col. 18, lines 55-63;

“an adapter ID that uniquely identifies said adapter” is taught in ‘403 col. 24, lines 52-29;

“adapter ID detecting means for extracting said adapter ID and sending said adapter ID to said distribution server, media ID detecting means for extracting said media ID from said storage media and sending said media ID to said distribution server” is shown in ‘403 col. 20, lines 27-53;

“encryption conversion means, key encryption means” is disclosed in ‘403 col. 19, lines 54-63;

storage media access means for writing and reading data in and from said storage media, and media access process control means for controlling the writing and reading in and from said storage media by said storage media access means” is shown in ‘403 col. 20, lines 27-53;

“said distribution server includes secure communication means” is disclosed in ‘403, col. 18, lines 55-63;

“sending and receiving means for sending and receiving information and the digital data to and from said receiving device, a distribution front end for creating information to be sent to the user and processing accesses by the user, a user administration database that stores user IDs and account information of related users, a digital data administration database that stores storage location information and use conditions of digital data to be distributed, an obtained rights administration database that stores information regarding a right to receive distribution of digital data that each user has obtained, a history database that stores information regarding digital data that has been distributed to users in the past” is taught in ‘403 col. 19, line 25 through col. 20, line 66;

“an adapter administration database that stores adapter IDs of adapters that each user uses” is shown in ‘403 col. 24, lines 52-29;

“a storage media administration database that stores media IDs of storage medias that each user uses” is disclosed in ‘403 col. 20, lines 55-59;

“distribution digital data storage means for storing digital data that is encrypted with a first encryption system, and a decryption key that decrypts the digital data encrypted with the first encryption system, and digital data distribution means for sending to said receiving device the encrypted digital data and the decryption key that are stored in said distribution digital data storage means, based on a direction from said distribution front end, the digital data being encrypted with the first encryption system” is taught in ‘403 col. 19, lines, 54-66;

“said encryption conversion means decrypts the digital data which is encrypted with the first encryption system and distributed by said digital data distribution means with the decryption key that has been distributed by said digital data distribution means, and encrypts the decrypted digital data with a second encryption system, said key encryption means encrypts the key that has been used when said encryption conversion means encrypted the digital data with the second encryption system, using said media ID detected by said media ID detecting means” is shown in ‘403 col. 20, lines 60-64;

“said storage media access control means writes in said storage media the key encrypted by said key encryption means, by controlling said storage media access means” is disclosed in ‘403 col. 10, lines 9-12;

“said secure communication means of said adapter and said secure communication means of said distribution server communicate with each other, thereby establishing a secure communication path between said adapter and said distribution server, the communication between each structural element within said adapter and each structural element within said distribution server is conducted through said secure communication path that has been established” is shown in ‘403 col. 18, lines 55-63;

“said distribution front end authorizes a user based on said adapter ID sent from said adapter ID detecting means, and” is disclosed in ‘403 col. 24, lines 52-54;

“said distribution front end determines whether the digital data with respect to which distribution is requested can be distributed, by referring to said obtained rights administration database, said history database, said digital data administration database, and said storage media administration database, in order to execute processes in response

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to a request for distribution of digital data from the authorized user” is taught in ‘403 col. 20, lines 34-66.

As to independent claims 1 and 2, these claims contain substantially subject matter as cited in claim 3 and are rejected along the same rationale.

As to dependent claim 4, “said distribution front end authorizes a user based on said adapter ID sent from said adapter ID detecting means, and said distribution front end determines whether the digital data with respect to which distribution is requested can be distributed, by referring to said obtained rights administration database, said history database, said digital data administration database, and said storage media administration database, in order to execute processes in response to a request for distribution of digital data from the authorized user” is taught in ‘403 col. 9, line 42 through col. 10, line 39.

As to dependent claim 5, “wherein said adapter includes secure communication means updating means for updating said secure communication means of said adapter, and said distribution server includes secure communication means updating means for updating said secure communication means of said distribution server, and secure communication means update direction means for directing said secure communication updating means within said adapter and said secure communication updating means within said distribution server to update said secure communication means” is shown in ‘403 col. 18 line 55 through col. 19 line 25 and in ‘403 col. 10, line 49 through col. 11, line 19.

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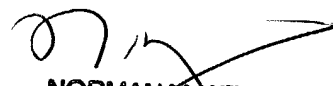
As to dependent claims 6, 7, 8, and 9, these claims contain substantially subject matter as cited in claims 4 and 5, therefore they are rejected along the same rationale.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (703) 305-8917. The examiner can normally be reached on 6:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.


NORMAN M. WRIGHT
PRIMARY EXAMINER

Ellen Tran,
Patent Examiner
Technology Center 2134
17 June 2004